

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

WILLIAM CUNNINGHAM,

Plaintiff,

v.

CIVIL ACTION NO. 6:07-cv-00101

VINCENT MCMAHON, et al.,

Defendants.

**ORDER**

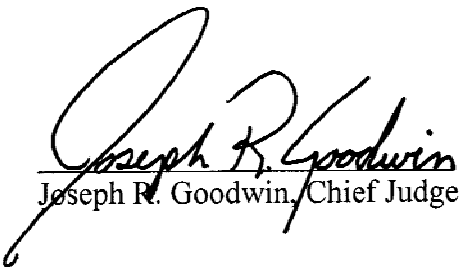
This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court dismiss the plaintiff's Complaint [Docket 1] and his Petition for Judicial Review [Docket 5] for failure to state a claim upon which relief may be granted. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

The failure to object to a magistrate judge's report may be deemed a waiver on appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error on the face of the record. Accordingly, the court accepts and incorporates herein the findings

and recommendation of the Magistrate Judge. The court **DISMISSES** this action for failure to state a claim upon which relief may be granted.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: March 27, 2008



Joseph R. Goodwin, Chief Judge